

HOUSE No. 1588

The Commonwealth of Massachusetts

PRESENTED BY:

Eugene L. O'Flaherty

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the classification of prisoners

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Eugene L. O'Flaherty	2nd Suffolk
Sheriff James DiPaola	
Christopher G. Fallon	33rd Middlesex
Barry R. Finegold	17th Essex
James Dwyer	30th Middlesex
William G. Greene, Jr.	22nd Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO THE CLASSIFICATION OF PRISONERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 125 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by deleting all subsections after subsection (f) and inserting the following in place thereof the following subsections:-

(g) "custody", physical or constructive control of an inmate in a state or county correctional facility;

(h) "department", the department of correction;

(i) "gainful employment", employment within or without any correctional facility including but not limited to labor for the operation and maintenance of any correctional facility;

(j) "inmate", a committed offender or such other person as is placed in custody in a correctional facility in accordance with law;

(k) "institution", facility;

(l) "penal institution", correctional facility;

(m) "prison", correctional facility;

(n) "prisoner", a committed offender and such other person as is placed in custody in a correctional facility in accordance with law;

(o) "state correctional facility", any correctional facility owned, operated, administered or subject to the control of the department of correction, including but not limited to: Massachusetts Correctional Institution, Cedar Junction; Massachusetts Correctional Institution, Norfolk; Massachusetts Correctional Institution, Concord; Massachusetts Correctional Institution, Framingham; Massachusetts Correctional Institution, Bridgewater; Massachusetts Correctional Institution, Plymouth; Massachusetts Correctional Institution, Warwick; Massachusetts Correctional Institution, Monroe;

(p) "state prison", Massachusetts Correctional Institution, Cedar Junction;

(q) "superintendent", the chief administrative officer of a state correctional facility.

SECTION 2. Section 16 of chapter 126 of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:-

The sheriff shall have custody and control of the jails in his county, and except in Suffolk county, of the houses of correction therein, and shall have custody and physical or constructive control of all prisoners

committed thereto, and shall keep the same himself or by his deputy as jailer, superintendent or keeper, and shall be responsible for them.

SECTION 3. Chapter 127 of the General Laws, as so appearing, is hereby amended by inserting after section 20A the following section:-

Section 20B. Classification of prisoners; day reporting

The sheriff of any county may establish a day reporting program under which persons sentenced to the house of correction, except sex offenders, may be classified to constructive confinement. Such program shall include electronic monitoring of prisoners classified to the day reporting program. Any inmate sentenced to such program shall agree in writing to conditions set by the sheriff, who shall retain the right to revoke or alter such classification at will.

No prisoner shall be classified to a day reporting program under this section until he has served the minimum mandatory sentence within the house of correction to which he is committed.

A prisoner classified to the day reporting program as set forth in this section and who abides by the conditions of said classification shall be credited time toward the serving of his sentence in the same manner as though he had served such time within the facility.

SECTION 4. Section 21 of chapter 127 of the General Laws, as so appearing, is hereby amended, in line 3, by inserting after the word "correction" the following words:-
to physical or constructive confinement,

SECTION 5. Section 16 of chapter 268 of the General Laws, as so appearing, is hereby amended by inserting after the word "branch," in line 10, the following words:-

"or who, on any other form of constructive confinement, tampers with or otherwise attempts to disable electronic monitoring of the prisoner,"

SECTION 6. Section 34 of chapter 279 of the General Laws, as so appearing, is hereby amended by inserting after the word "accordingly", in line 5, the following words,- "for the duration of the sentence and within classification guidelines of the facility to which said convict is committed."

